CASE # C15-2012-0007

T P-0110060 420

CITY OF AUSTIN LOW-10693 476

APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE TP 01-1006-2303

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 507 Upson St.						
LEGAL DESCRIPTION: Subdivision – Amended plat of lts. 2,3 &4 Blk.4 Charles Johnson Addition						
Lot(s) 4A Block 4 Outlot Division						
I/We <u>Jim Bennett</u> as authorized agent for <u>Cator Joseph / Shannon Palmer</u>						
affirm that on _11/28/, _2011, hereby apply for a hearing before the						
Board of Adjustment for consideration to:						
ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN						
A front porch / deck providing a front street setback of 16 ft.						
in a SF-3 - NP district. (zoning district)						

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach, any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

Front porches through out the neighborhood are a common occurrence, many constructed when the ordinance required only 15 ft. for an open porch.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

When this structure was originally constructed, the site was excavated to accommodate this structure. The original porch was a small entry with a moat surrounding the porch creating a somewhat unsafe entry, the existing porch/deck is built over the moat and will allow for a safer and more efficient use of the moat, hence the topography is part of the hardship.

(b) The hardship is not general to the area in which the property is located because:

The excavated site is unique to this site.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The porch / deck is ascetically pleasing and does not interfere with adjoining properties. This lot is adjacent to the alley on one side and the adjoining neighbor to the north who along with other neighbors support this request.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

^{2.} The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

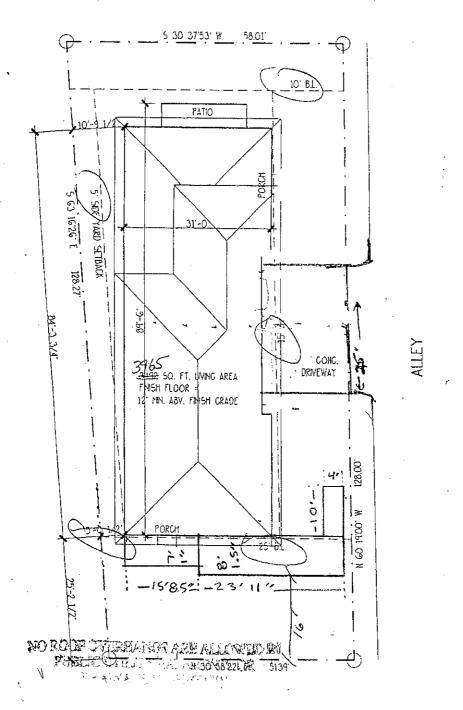
	or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:
	The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
3.	The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:
4.	The variance will run with the use or uses to which it pertains and shall not run with the site because:
N	OTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.
app	PLICANT CERTIFICATE - I affirm that my statements contained in the complete olication are true and correct to the best of my knowledge and belief. Mail Address 11505 Redge D72 y, State & Zip Austri, +x 78748 -
Prin	nted Jim Bennett Phone 282-3079 Date 11/29/11
аге	WNERS CERTIFICATE – I affirm that my statements contained in the complete application true and correct to the best of my knowledge and belief. Mail Address 2806 A Windson
City	, State & Zip Aostin, TX 78703
Prir	nted M. Cater Joseph Phone 812.450.8091 Date 11/28/2011

du plex attakehed neighber 507A Upson St owner

OWNERS CERTHICATE - I altirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Shaunon Palmer Mail Address 507 A Upson Street
City, State & Zip Austin, TX 78703

Printed Shannon Palmer Phone 415-244-5648 11/29/11



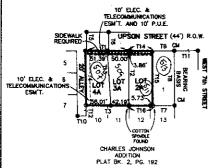
507 UPSON STREET

SITE PLAN

LEGAL DESCRIPTION: SUBDIVISION:

Legal: UNT I 507 Upson Condominium Amended plus 50.00 Int in Com AREA

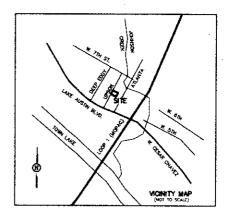
AMENDED PLAT OF LOTS 2, 3, AND 4, BLOCK 4, CHARLES JOHNSON ADDITION



TOTAL AREA OF LOT 2A = 7,160 SF TOTAL AREA OF LOT 3A = 5,889 SF TOTAL AREA OF LOT 4A = 7,000 SF TOTAL AREA OF SUBDIMISION = 20,059 SF TOTAL NUMBER OF LOTS = 3 LAND USE OF LOT 3A = SINGLE-FAMILY LAND USE OF LOT 4A = SINGLE-FAMILY LAND USE OF LOT 4A = DLYPLEX



PUBLIC LIYLITY EASEMENT BIRLDHIG LINE 1/2" REBAR FOUND 1/2" REBAR SET CAPPED "GRANT 1910" IRON PIPE FOLIND CONTROL WORKINGER?



MEASURED LINE TABLE			(RECORD) LINE TABLE	
LINE	BEARING	LENGTH	BEARING	LENGTH
Τi	N 30'38'22" E	101.39	N 29'37'00" E	100.00
T2	N 59"47"00" W	127.97	N 60'00'00" W	128.00
T3	S 30'37'53" W	100.20	S 29'37'00" W	100.00
T4	N 6019'00" W	128.00	N 50'00'00" W	128.00
T5	S 59"21"38" E	43.78	S 59"21"38" E	44.00
76	S 59"21'38" E	43.78	S 59'21'38" E	44.00
77	N 30'06'16" E	52.42	N 29'37'00" F	52.00
18	\$ 60'00'00" E	128.27	S 60'00'00" E	125.00
T9	N 30'06'13" E	52.05	N 29'37'00" E	52.00
TIO	N 29"41"00" E	20.00	N 28'41'00" E	20.00
171 1	N 3017'04" E	451.70"	N 29'37'00" E	452.00
T12	N 6079'00° W	128.69	N 6079'00" W	129.00
77.3	S 63"16"26" E	128.27		
T14	N 3071'45" E	55.83	N 29'37'00" E	56.00
115	S 59 49 58 E	128.27	\$ 60'00'00" E	128.00
T16	S 30"79"57" W	55 QA	S 20"37"00" W	56.00*

I, JAMES M. GRANT, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE. THE PROFESSION OF SWINCHMO AND HEREBY CERTIFY THAT THIS PLAT COMPLES WITH TITLE 25 OF THE AUSTIN CITY CODE OF 1999 AS AMPIOED, IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MODE BY HE OR UNDER MY SUPERMISSION ON THE GROUND.

AS SURVEYED BY: HARRIS—GRANT SURVEYING, INC. HARRES-GRANT SURVEY 1406 HETHER AUSTIN, TEXAS 78704 (512) 444 - 1781

REVISED JANUARY 15, 2005 NOVEMBER 19, 2004

REWSED HOVENBEL

S. M. GRANT
DATE
TERED PROFESSIONAL LAND SURVEYOR NO. 1919

ENGINEER'S CERTIFICATION:

NO PORTION OF THIS SUBDIVISION IS WITHIN THE DESIGNATED FLOOD HAZARD AREA, AS SHOWN ON THE FEDERAL FLOOD INSURANCE RATE MAP \$480624 0205 E, EFFECTIVE DATE JUNE 18, 1993 FOR THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

PLANTAL STANSBERRY, P.E. NO. 88646 STANSBERRY ELGINEERING CO. PLANSBERRY ELGINEERING CO. PLANSBERRY ELGINEERING CO. STANSBERRY ELGINEERING CO. (612) 292-8000



NOTES: 1. THIS SUBDIVISION IS SUBJECT TO THE SAME RESTRICTIONS AND EASEMENTS FROM THE PREVIOUS EXISTING SUBDIVISION PLAT, "CHARLES JOHNSON ADDITION", RECORDED IN PLAT BOOK 2, PAGE 192, TRAVIS COUNTY PLAT RECORDS.

2. LOT ZA, 34, 8 34 WILL BE PROVIDED WITH A SEPARATE WATER METER AND SEWER TAP FOR EACH LOT IN THIS SUBDIVISION. THE PRIVATE DOMESTIC WATER SERVICE, AND PRIVATE SANITARY SEWER SERVICE LINE SHALL NOT BE LOCATED IN ANY LOT OTHER THAN THE LOT ON WHICH THE SITE OF THE BUILDING OR STRUCTURE SERVED BY SUCH PRIVATE DOMESTIC WATER SERVICE LINE OR PRIVATE SANITARY SEWER SERVICE LINE.

STATE OF TEXAS! COUNTY OF TRAVIS!

KNOW ALL MEN BY THESE PRESENTS?

WAND ALL MEN BY THESE PRESENTS]

THAT WE, ROB A. STEELE AND KATHY L. STEELE, OWNERS OF ALL OF LOT 4 AND LOT 3 (SAVE AND EXCEPT THE NORTH FOUR FEET), BLOCK 4, CHARLES JOHNSON ADDITION, A SUBDOWSSON IN TRANS COUNTY, PLAT RECORDS, CONNECTE TO US BY DEED PAGE 192 OF THE TRANS COUNTY PLAT RECORDS, CONNECTE TO US BY DEED RECORDED IN DOCLARDIT MO. 2004159774 OF THE TRANS COUNTY OFFICIAL, PUBLIC RECORDS, AND THAT WE, ALLEN PECK, AND LIDAR G, ADRIZ, OWNERS OF LOT 2 AND THE NORTH FOUR FEET OF LOT 3, BLOCK 4, OF SAD CHARLES JOHNSON ADDITION, CONNECTED TO US BY OEED RECORDED, BY DOCUMENT MO. 2003223755 OF THE TRANS COUNTY OFFICIAL PUBLIC RECORDS, DO HERBEY JOHNY AMENDS AND LOTS, PURSUANT TO LOCAL GOVERNMENT COOL 212.016 (WOME LOT LIVES), IN ACCORDANCE WITH THE PLAT SHOWN HEREON, TO 8E KNOWN AS "AMENDED PLAT OF LOTS 2, 3, AND 4, BLOCK 4, CHARLES JOHNSON ADDITION", AND DO HERBEY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS AND EASEMENTS SHOWN HEREON, TO HER PUBLIC THE USE OF ALL STREETS AND EASEMENTS SHOWN HEREON, TO ME RESTRECTIONS HERETOFORE GRANTED AND KOT RELEASED.

WITNESS OUR HANDS AS DATED BELOW:

ROB A STEELE DATE
1/27/05
ROB A STEELE DATE
1/152 LINE GAN LOOP
BUGA, TEXAS 78610

Kathy & Hole 1/21/05-HAIN' L STOPE DATE 1/21/05-1132 LINE ONK LOOP BUDA, TEXAS 78810

S WAS ACKNOWLEDGED BEFORE ME BY THE PERSONS USTED DAY OF THE DAY, 2005, A.D.

WESTON FOOTHERS STATES AND LEGAL OF THE LORGE STREET STILL UP SON STREET AUSTIN, TOWN 76703

Des 08, 2018

ALEN PECK 511 UPSON STREET AUSTIN, TEXAS 78703

STATE OF TEXAS
COUNTY OF TRAVIS
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE MB BY THE PERSONS LISTED
DAY OF DAY OF 2005, A.D. ante Jampe Dareia

Planca Zamora-Garcia 08-21-2006 COMMISSION EXPIRES





CITY OF AUSTIN:

THIS SUBDIMISION PLAT IS LOCATED WITHIN THE THE FULL PURPOSE JURISDICTION OF THE CITY OF AUSTIN ON THIS THE LEGY DAY OF THE CATY OF AUSTIN ON THIS THE LEGY DAY OF THE CATY OF

APPROVED, ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, WATERSHED PROTECTION & DEVELOPMENT REVIEW DEPARTMENT, CITY OF AUSTIN, COUNTY OF TRAVIS, THIS THE LIFE, DAY OF FRANCE, COMMANDED TO THE COUNTY OF TRAVIS, THIS THE LIFE DAY OF FRANCE OF THE COUNTY OF TRAVIS, THIS THE LIFE DAY OF FRANCE OF THE COUNTY OF TRAVIS, THIS THE LIFE DAY OF FRANCE OF THE COUNTY OF TRAVIS, THE COUNTY OF TRAVIS,

TOOE PANTALION, ACTING DIRECTOR
WATERSHED PROTECTION & DEVELOPMENT REVIEW DEPARTMENT

STATE OF TEXAS; COUNTY OF TRAVIS;

J. DAMA DEBEANOR. CLERK OF TRANS COUNTY, TEXAS, DO HEREBY CEPTIFY THAT THE PORECOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHORITION AND ITS CERTIFICATE OF AUTHORITION OF THE SERVICE OF THE SE

WITNESS IT HAVE AND SEET OF OFFICE OF THE COUNTY CLERK, THIS 32 DAY OF 100 TO 1







CASE#: C15-2012-0007 LOCATION: 507 UPSON STREET



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Investigator I. Frisinger

Case 2011-105598

Investigator I. Frisinger

507 Upson #1 Case 2011-105598



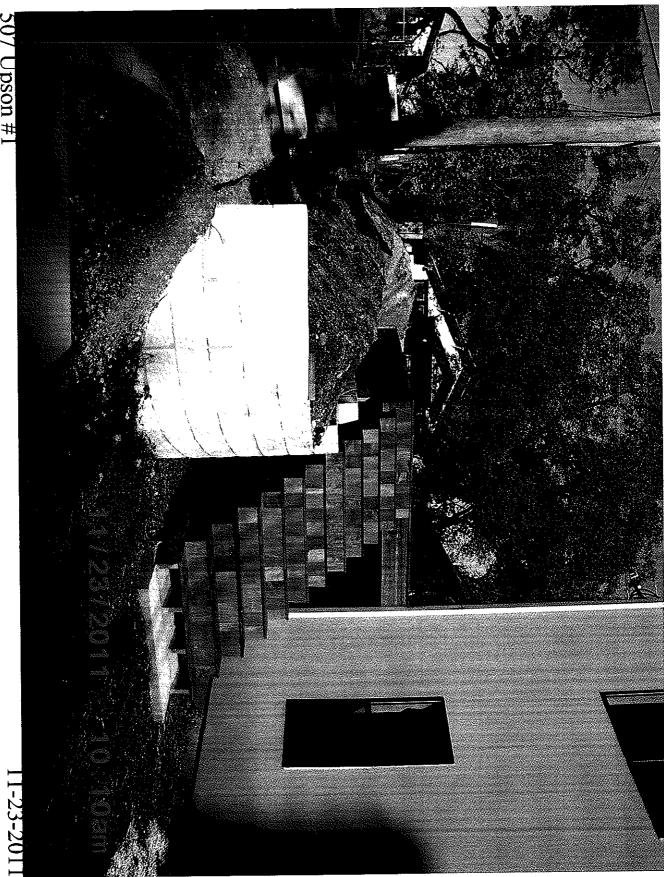
Investigator I. Frisinger

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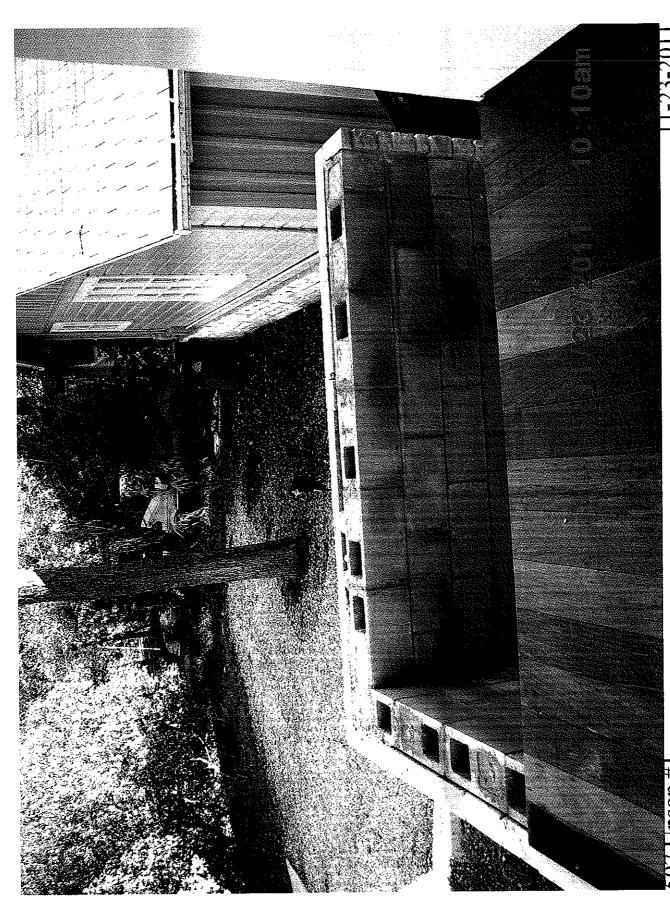
507 Upson #1 Case 2011-105598

Investigator I. Frisinger

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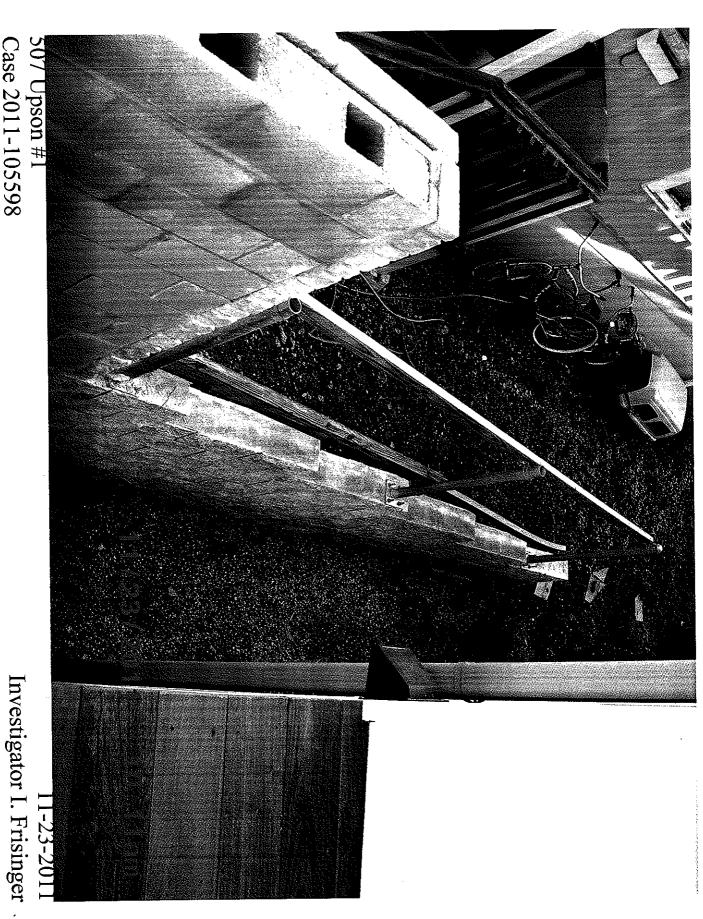


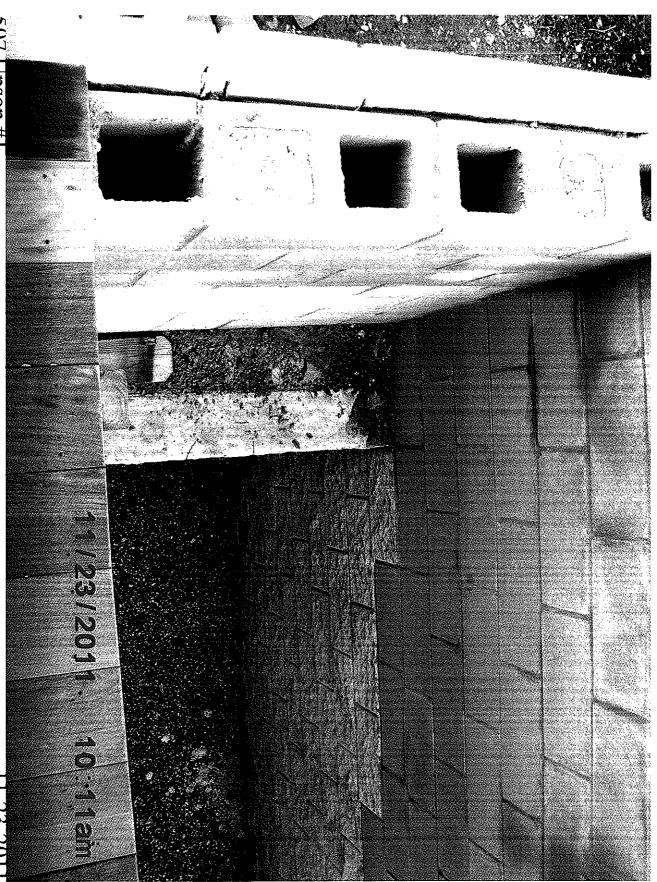
Investigator I. Frisinger



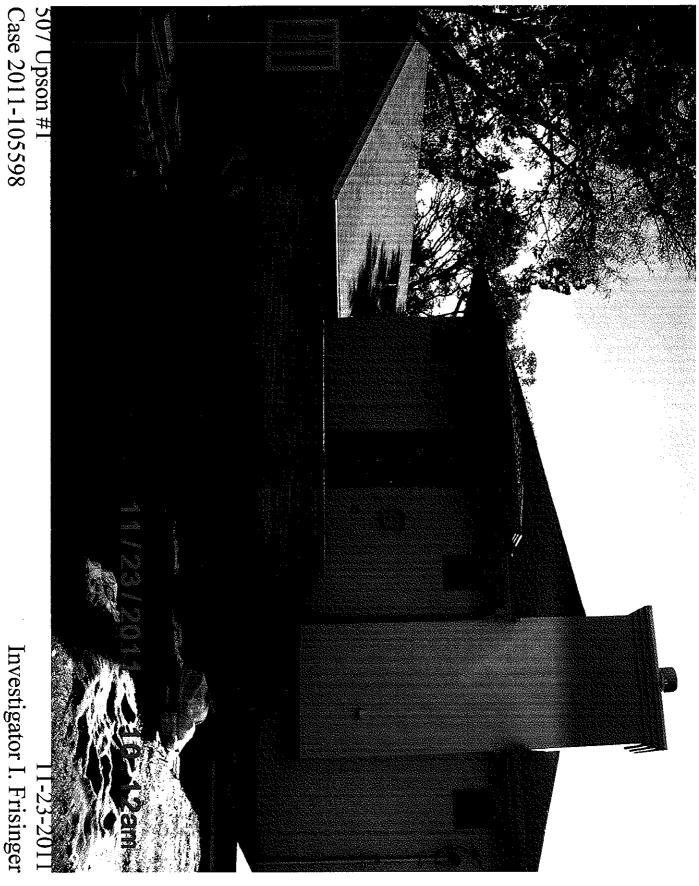
Investigator I. Frisinger

507 Upson #1 Case 2011-105598





Investigator I. Frisinger



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507 Upson #1 Case 2011-105598



Solid Waste Services Department The Cay of Austin Be advised that Seenon 25-1441 of the Austin City Code specifies that a permit is required for the started without proper permit(s), all work must stop immediately. construction, alteration, repair, erection, demolition; or relocation of a structure. Because work has To comply with the Austin Gity Code, you must obtain the proper permit(s) within Q-7 days (for residential property) To squestions concerning residential property you may contact the Zouing Review Division or (5.12) \$75-2080. For quantions concerning commercial property, you may contact the Development Assistance Centric (DAC) at (512) \$74-8370. Description of Work Let any UNIT of the all I let O An investigation Fre will be assessed which double the cost of the permit(s). A person may appeal this Order to the City of Ansian's Building Official. A written appeal must be filed no saver than 9 days after the posting of this Order and contour.

The manner included assorting appellant: © Plumbing (2003 UPC, 103.1.1)

© Mechanical (Section 25-13-138, 112.1)

O Section 25-11-37 requires a demolition permit to be obtained prior to demolitabing a structure of O/Section, 25-11-32 requires a permit to be obtained prior to performing the following activities Offsuilding (2000/IRC, R105.1, 2003/IBC, L05.1) D. Factorical D. Phymhing (2008/IFC, 103.1.1)

D. Phymhing (2008/IFC, 103.1.1) O Section; 25-11-141; requires a relocation perintico be obtained prior to relocating a structure of portion of a structure. ORDEN DE PARAR EL TRABAJO — PERMISO(S) REQUERIDOS subjormado que se sección 25-1-41 del codigo de se condicid de suam especifica que se requese subjerginas para se construcción, prodificación, repuración, efection, dendicido o persistado de una estudiata Como el mistajo ha comornado sin el permiso (si apopiado, rodo el institución puesas interidipamente). Um persona punde papar em codera a del Ogical de Edulcio (ne la Chadad de Anaia. Des políticos (ne la Chadad de Anaia. Des políticos (ne la Chadad de Anaia. Des políticos) de Cadad (ne la Chadad de Anaia), políticos (ne la Chadad de Chadad de Anaia), políticos (ne la Chadad de Chadad d and the source of the source o the decision being appealed; and the set aside. STOP WORK ORDER - PERMIT(S) REQUIRED Investigator: IAH 1905 DOCE POINT THE ASSESS. P.O. Box 1088 Austin, TX 78767

507 Upson #1 Case 2011-105598

11-23-2011 Investigator I. Frisinger

11-23-2011 Investigator I. Frisinger

Investigator I. Frisinger

Case 2011-105598

Walker, Susan

From:

Lili A [liliaprende@gmail.com]

Sent:

Wednesday, December 21, 2011 5:18 PM

To:

Walker, Susan

Cc:

Blake Tollett; apeck@austin.rr.com; Lidia Agraz

Subject:

Photos for Variance Application for 507 Upson Street, 78703

Attachments: DSC01430.JPG; DSC01432.JPG; DSC01433.JPG; DSC01434.JPG; DSC01435.JPG; DSC01436.JPG

----- Forwarded message -----

From: Lili A < liliaprende@gmail.com > Date: Wed, Dec 21, 2011 at 5:04 PM

Subject: Variance Application for 507 Upson Street, 78703

To: susan.walker@austin.texas.gov

Cc: apeck@austin.rr.com

Dear Susan,

We spoke a few minutes ago about the request for a variance for the property at 507 Upson Street. We own 509 Upson Street, the property north of this address.

The current owner of the 507 property has built a wall <u>right on</u> our property line (zero lot line style) without asking for our permission. We do not approve of this construction. The construction encroaches on the 25 feet set back from the street and the 5 feet set back from our property line.

Further more, we believe that the original construction (prior to the building of this wall or deck support) maximized the total allowable impervious coverage as per city regulations.

Attached are photographs of the current construction of the deck support/masonry wall. The green house to the left is our property at 509 Upson.

We request a meeting at the site with a city staff who can ascertain whether the current construction is legal. We request this meeting prior to the Board of adjustments' hearing scheduled for 9 January.

Thank you very much for your assistance with this request.

Lidia Agraz and Allen Peck

Home 512 322-0212

Allen's Cell 512-784-8650



